



Mike DeWine, Governor
Jon Husted, Lt. Governor
Laurie A. Stevenson, Director

October 16, 2019

**Re: Emerald BioEnergy, LLC
Notice of Violation (NOV)
NOV
NPDES
Morrow County
4IN00204**

Ms. Cari Oberfield
Emerald BioEnergy, LLC
P.O. Box 249
Delaware, OH 43015

Subject: Notice of Violation / Resolution of Violation

Dear Ms. Oberfield:

On October 10, 2019, Ohio EPA, Division of Surface Water (DSW) conducted an inspection of authorized class B biosolids Site 59-00076 located at the intersection of US 42 and County Road 159 in Morrow County. The beneficial use of biosolids at this site had been completed on October 7, 2019. The goal of the inspection was to determine your facility's compliance with Ohio's environmental laws and regulations as found in Chapter 6111 of the Ohio Revised Code (ORC), Chapter 3745-40 of the Ohio Administrative Code (OAC), and the terms and conditions of NPDES Permit 4IN00204 issued on November 1, 2012.

Violation

ORC 6111.07(A): No person shall violate or fail to perform any duty imposed by sections 6111.01 to 6111.08 of the Revised Code or violate any order, rule, or term or condition of a permit issued or adopted by the director of environmental protection pursuant to those sections. Each day of violation is a separate offense.

OAC 3745-40-06(B): Biosolids shall be beneficially used at a site in accordance with the conditions stated in the notice of authorization of the specific beneficial use site.

NPDES 4IN00204, Part II. B: All disposal, use, storage, or treatment of sewage sludge by the Permittee shall comply with ORC 6111, OAC 3745-40, any further requirements specified in this NPDES permit, and any other actions of the Director that pertain to the disposal, use, storage, or treatment of sewage sludge by the Permittee.

Violation Description: During the inspection on October 10, 2019, biosolids were found on the surface of the field in a small area on the east side of the site.

Resolution

After the inspection, Renergy was notified about the biosolids remaining on the surface of Site 59-00076 and immediately used available equipment to cover the biosolids with soil. Ohio EPA staff remained at the site until the work was completed.

Ohio EPA's final inspection of Site 59-00076 on October 10, 2019, found that biosolids no longer remained on the surface. **Therefore, this violation has been resolved.**

Please note that this does not preclude the Director from seeking administrative or civil penalties pursuant to ORC 6111.09 for the violation noted in this letter. The decision on whether to pursue or decline to pursue such penalties regarding these violations is dependent on several factors, one of which is the company's future compliance with Ohio EPA regulatory requirements.

Should you have any questions, please contact me at betsy.vanwormer@epa.ohio.gov or 614-644-2150.

Sincerely,



Betsy L. VanWormer, P.E.
Environmental Specialist III
Ohio EPA Division of Surface Water

cc: Erin Sherer, DSW, CO
Archie Lunsey, DSW, CO
Logan Randles, Renergy
Ashleigh Lemon, Renergy
Cari Oberfield, Renergy